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10 IN THE UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 UNITED STATES OF AMERICA,

13 v.
14 Plaintiff,

15 KEVIN STERN,
16 Defendant.

CASE NO. 2:21-CR-00021-JAM

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: November 8, 2022

TIME: 9:00 a.m.

COURT: Hon. John A. Mendez

17 **STIPULATION**

18 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
19 through defendant's counsel of record, hereby stipulate as follows:

20 1. By previous order, this matter was set for status on November 8, 2022.

21 2. By this stipulation, defendant now moves to continue the status conference until February
22 14, 2023, at 9:00 a.m., and to exclude time between November 8, 2022, and February 14, 2023, under
23 Local Code T4.

24 3. The parties agree and stipulate, and request that the Court find the following:

25 a) The government has represented that the discovery associated with this case
26 includes investigative reports, photographs, affidavits, other documents, over 3,500 recorded
27 phone calls intercepted pursuant to the Title III wiretap orders, and other recordings. Much of
28 this discovery has been produced directly to counsel and/or made available for inspection and

1 copying. The government has represented it is producing additional discovery consisting of
2 more reports of investigation, materials produced during the execution of search warrants,
3 laboratory testing results for seized drugs, and other evidence.

4 b) Counsel for defendant needs additional time to review the existing and
5 forthcoming discovery in this case, to conduct independent factual investigation, to research trial
6 and sentencing issues, to consult with the client, and to otherwise prepare for trial.

7 c) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny him the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of November 8, 2022 to February 14,
16 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] because it results from a continuance granted by the Court at defendant's request on the basis
18 of the Court's finding that the ends of justice served by taking such action outweigh the best
19 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: November 3, 2022

PHILLIP A. TALBERT
United States Attorney

/s/ ADRIAN T. KINSELLA
ADRIAN T. KINSELLA
Assistant United States Atto

Dated: November 3, 2022

/s/ OLAF W. HEDBERG
OLAF W. HEDBERG
Counsel for Defendant
KEVIN STERN

ORDER

IT IS SO FOUND AND ORDERED this 3rd day of November, 2022.

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
SENIOR UNITED STATES DISTRICT JUDGE